

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GARY TOPOLEWSKI, et al.,) Case No. 2:16-cv-01588-JAD-NJK
Plaintiff(s),) ORDER
vs.) (Docket No. 44)
PAUL BLYSCHAK, et al.,)
Defendant(s).)

On October 11, 2016, the Court granted Defendants' motion to stay discovery pending resolution of motions to dismiss. Docket No. 43. On October 14, 2016, Plaintiff filed a motion that the Court construes as seeking leave to file an untimely opposition brief and for reconsideration of the above order. Docket No. 44. Defendants filed a response in opposition, and Plaintiff filed a reply. Docket No. 45, 46. The Court finds the motion properly resolved without a hearing. Local Rule 78-1. For the reasons discussed below, the motion is **GRANTED** in part and **DENIED** in part.

Motions to reconsider interlocutory orders are governed by Local Rule 59-1. Although the Court finds the reason for Plaintiff's failure to file a timely response less than compelling,¹ the Court will **GRANT** the motion for leave to file the untimely opposition. Having considered that opposition brief,

¹ Plaintiff's counsel indicates that he had prepared the response in a timely manner and "assumed that it had been filed by my legal assistant," but he further indicates that it was never filed "for some unknown reason." Docket No. 44 at 2. This shortcoming was "either due to inadequate instructions from Mr. Hansen, a mistake in communication, or simply forgetting the instructions." Docket No. 46 at 2.

1 Docket No. 44-1, the Court finds that it does not alter the Court's conclusion that a stay of discovery is
2 appropriate in this case. Accordingly, the Court **DENIES** the motion to reconsider its prior order.

3 IT IS SO ORDERED.

4 DATED: November 4, 2016

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6 NANCY J. KOPPE
United States Magistrate Judge

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